

**ORIGINAL LIST OF CLAIMS**

**1-23 (ALL CANCELLED)**

## CLAIMS

What I claim as my invention is:

### CLAIMS 1-23 (ALL CANCELLED)

**1.** A dancing toy lollipop comprising:

- at least one movable candy provided with an open cavity,
- a candy holder,
- and retaining means,

being the purpose of said retaining means to retain the movable candy or candies attached to the candy holder with a non rigid union, which allows said movable candy or candies to rock, swing, swivel, rotate, slide or perform combined motions relative to said candy holder, in a sort of dancing like random movements, when the dancing toy lollipop is flipped, shaken or revolved by the user's hand or by means of a specially designed driving holder, for the user's amusement and entertainment.

**2.** A dancing toy lollipop as defined in claim 1, wherein the movable candy is made in one or more parts properly joined together, and is provided with at least one open assembling cavity conveniently located, dimensioned and conformed to accommodate elements or sections of the candy holder that are inserted into said cavity or cavities to assemble said movable candy with said candy holder.

**3.** A dancing toy lollipop as defined in claim 1, wherein the union between the candy and the candy holder, as alternative, is rather tight, but allows the axial displacement and/or the replacement of said candy by the user.

**4.** A dancing toy lollipop as defined in claim 1, wherein, when multiple candy pieces are attached to the candy holder, some of them are tightly fitted to said candy holder and are used for decorative purposes or are properly conformed to accomplish the functions of spacers, and/or stops and/or retainers to support and retain other movable candies.

5. A dancing toy lollipop as defined in claim 1, wherein multiple movable pieces are attached to the candy holder and said movable pieces are either edible, namely, hard candies or any other kind of confectioneries, including confectioneries for medical purposes, or inedible, manufactured of any suitable material.

6. A dancing toy lollipop as defined in claim 5, wherein, when the movable pieces are inedible, they have either decorative or spacing or retaining or protecting purposes, or combinations of any of said purposes, and are manufactured of any suitable material by any appropriate manufacturing process.

7. A dancing toy lollipop as defined in claim 1, wherein, to increase the variety of combinations to improve the user's amusement, the movable candy pieces are made in many different sizes, colors, flavors and shapes, including, but not limited to: jingle bells, dolls and parts of dolls, clowns, Hawaiian hula dancing dolls and others; Halloween pumpkins, fruits, flowers, leaves, butterflies, segmented caterpillars, rattle disks of rattlesnakes and other animated beings or characters, either complete or portions of them; geometrical shapes such as spheres, disks, cylinders, prisms with diverse number of faces and others; vehicles complete or parts of them, such as airplane bodies with their propeller, trains, cars, boats, rockets, gears, propellers, turbine like impellers, and many other shapes, having all in common the interior cavities for their assembling to the candy holder.

8. A dancing toy lollipop as defined in claim 2, wherein when the assembling cavity in the movable candies are opened to opposite sides, the outer opening of the cavity in the upper movable candy, is closed by an optional edible plug securely fixed by any appropriate procedure, and said plug is made in many different configurations, colors, and flavors, contributing to the decorative and pleasure features of the dancing toy lollipop.

9. A dancing toy lollipop as defined in claim 1, wherein the candy holder comprises one or more parts, including movable parts, made of suitable materials with appropriate chemical and physical properties, including, but not limited to, non toxicity, and resiliency and/or flexibility and/ or translucency, being conformed to any convenient geometrical cross-section, size and configuration, and provided with elements or sections to be inserted into the assembling cavity or cavities inside the movable candies to assemble said movable candies with said candy holder, properly retained by means of suitable retaining elements.

10. A dancing toy lollipop as defined in claim 9, wherein the candy holder comprises a lower grip portion and a top end attachment, provided with retaining means made of a suitable material, and said attachment is securely connected by any reliable procedure to the grip portion of said candy holder.

11. A dancing toy lollipop as defined in claim 10, wherein the top end attachment is conformed like an articulated joint and pre-assembled as a movable top end part of the candy holder and a candy piece is then tightly molded or fixed by any suitable procedure to said attachment, so that said candy piece mounted on the movable top end attachment, is allowed to rock, swing, rotate or perform random combined movements, in relation to the grip portion of the candy holder.

12. A dancing toy lollipop as defined in claim 1, wherein the candy holder, in order to make it more attractive, is conformed, but not limited, to resemble diverse plants stems ramified with branches and leaves, little dolls legs, conformable rattlesnakes, a sort of container to store spare candies or other objects, and many other shapes , to which single or multiple movable candies are attached.

13. A dancing toy lollipop as defined in claim 12, which, in order to increase the user's amusement, is provided, or is attached to a special handle or rocking base, with a miniature battery powered electronic device, which is switched on for a short period of time whenever is subjected to slight motions by the user, playing pleasant sounds or melodies and / or emitting

tiny colored blinking lights, either directly from the candy holder or the handle or base attachment, or through all the components of the dancing toy lollipop, provided with appropriate translucent properties for that purpose, or with embedded optical fibers conveniently displayed.

14. A dancing toy lollipop as defined in claim 1, wherein the candy holder is provided with suitable retaining means, which are resilient elements and/or rigid stops attached or integrated with the candy holder, conveniently conformed, dimensioned and positioned to allow the attachment of one or more movable candy pieces, to support and securely retain said movable candies onto said candy holder, and, at the same time, allowing said movable candies to perform random motions, such as rocking, swinging, swiveling, rotating, sliding, or any combination of movements, in relation to said candy holder.

15. A dancing toy lollipop as defined in claim 14, wherein the retaining means are made of suitable resilient and/or elastic and/or solid materials in a great variety of shapes, including, but not limited to, solid pieces with flat and/or curved surfaces, retractable and/or expandable elastic or articulated grapples, flaps or any other kind of retaining elements, properly conformed to match the assembling cavities of the movable candies

16. A dancing toy lollipop as defined in claim 1, wherein the retaining means is a separate sliding retaining device, made of any suitable material, provided with a central hollow hub, through which is inserted the candy holder, and said retaining device is locked to said candy holder in any convenient axial position by means of a simple self locking resilient or articulated element or by elastic tight fit, in such a way, that when said locking element is released by the user, it allows the axial displacement of said separate sliding retaining device, to adjust its position on the candy holder.

**17.** A dancing toy lollipop as defined in claim 16, wherein the separate sliding retaining device is used to keep the movable candy pieces in secure axial position whatever their quantity and dimensions, accomplishing at the same time the function of finger guard to prevent direct contact between the user's fingers and the movable candy pieces, in order to provide a cleaner and more hygienic handling during the consumption of the lollipop.

**18.** A dancing toy lollipop as defined in claim 17, wherein the separate sliding retaining device is used to keep the movable candy pieces in secure axial position whatever their quantity and dimensions, accomplishing at the same time the function of finger guard to prevent direct contact between the user's fingers and the movable candies, in order to provide a cleaner and more hygienic handling during the consumption of the candies.

**19.** A dancing toy lollipop as defined in claim 1, wherein, when said dancing toy lollipop has multiple movable candy pieces, as the top movable candy is consumed, the remaining movable candy pieces are displaced by the user toward the top position of the candy holder.

**20.** A dancing toy lollipop as defined in claim 1, wherein the candy holder and all the inedible pieces are washable and reusable, and the retaining means allow the user to replace the consumed candies, and to create different combinations of candy pieces, increasing the user's amusement.

**21.** A dancing toy lollipop as defined in claim 1, wherein the candy holder and the movable candy pieces are manufactured and supplied either factory assembled or unassembled in kits of separate wrapped components, providing the user the option to create different combinations with the individual pieces, increasing his/her amusement and entertainment, during the active assembling of a great variety of configurations, colors and flavors, with multiple random movements of the movable pieces.

**22.** A dancing toy lollipop as defined in claim 21, wherein the supplied kit includes a supporting base as a separate and optional element, made in a great variety of shapes, colors and suitable materials, to which is conveniently fixed the candy holder, whenever, for any reason, the dancing toy lollipop is not being held by the user, in order to keep it in a safe, clean and stable position.

**23.** A dancing toy lollipop as defined in claim 22, which, in order to safely isolate and protect it against dust, insects, and any other undesirable environmental elements, while the candies are not being consumed, said dancing toy lollipop is kept in a simple protective transparent case, consisting in a plastic transparent cover of appropriate size, with thin walls, properly conformed to provide an effective seal when fitted to the outer rim of either a stable standing or a rocking optional base for the dancing toy lollipop.

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Amdt. Dated: 02/21/2006  
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**APPENDIX**

**Applicant: Rodolfo Fernandez**  
**Examiner: Bena Miller**  
**Art Unit: 3725**

**CLEAN VERSION**

**OF**

**NEW LIST OF CLAIMS**



### **Amendments to the Claims.**

(A list of the original claims and a two copies of the **Clean** Version of the **new List of Claims** are included in the **Appendix**.)

To comply with the Examiner's indications, the applicant respectfully requests the amendments of all the claims, as follows:

-Cancellation of all the 23 **Original** claims since some were not related to the object of the present application or are rather related to procedures, as remarked by the Examiner, while claim 18, was a duplication of claim 17, and those which were significant require so many corrections that it would be impractical to provide marked up versions of them.

-Addition of 11 new claims. Therefore, the applicant respectfully requests the addition of 11 new claims with consecutive numbers 24 –34, after the original 23 cancelled claims , as listed in the next page.

-The new listing of claims in the next pages will replace all prior versions of claims in the application.

To facilitate the examination of the new claims, the applicant includes the following list indicating the interrelation between the new claims and the illustrative figures:

Claim 24 is illustrated in almost all the figures but more particularly in Fig. 1C.

Claim 25 is illustrated in many figures, but more particularly in Figs1A and 8A - 8H.

Claim 26 is illustrated mainly in Figs. 1A and 1C.

Claim 27 is illustrated more particularly in Figs. 2A and 2B.

Claim 29 is illustrated in many figures, but more particularly in Figs.1A, 1C, 1E, 2A and 6A - 6I.

Claim 30 is illustrated particularly in Figs. 15 - 18.

Claim 31 is illustrated mainly in Figs. 1E and 11A - 11C.

Claim 32 is illustrated mainly in Figs. 9A - 9C and 10A - 10C.

Claim 33 is particularly illustrated in Figs 7C, 7G, 7H, 13A to 13C, 19A and 19B, 20 and 21.

Claim 34 is illustrated in almost all figures, but more particularly in Figs. 14A - 14C, 19A, 19B, 22A, 22B, and 23B.

**LIST OF CLAIMS**

What is claimed as invention is:

1-23: (Cancelled)

24 (New): A dancing toy lollipop comprising at least one edible component attached to one end, hereafter referred to as upper end, of a stick made of any suitable material, hereafter referred to as holding stick, while the opposite end of the holding stick is the grip portion of the stick held by the user's hand, wherein the edible component is provided with an interior cavity and said upper end of said holding stick is provided with retaining means, such that the union between said edible component and said holding stick, instead of being tight and rigid as in current lollipops, is articulated, in such a manner that said edible component, hereafter referred to as movable edible piece, is reliably attached to said holding stick, but at the same time moves freely performing combined motions relative to said holding stick, in a sort of dancing like random movements, when the dancing toy lollipop is moved by the user.

25 (New): The dancing toy lollipop defined in claim 24, wherein the movable edible piece is provided with an interior cavity with at least one outer opening and said movable edible piece is made of, but is not limited to, molded candy mass with diverse flavors, colors and shapes.

26 (New): The dancing toy lollipop defined in claim 25, wherein the interior cavity in the movable edible piece has the configuration of, but is not limited to, a hole with the shape of a truncated cone provided with an inwardly shrunk section consisting in an annular edge or lip protruding inwardly and forming a constricted opening, hereafter referred to as throat, at the smallest cross section of said cavity, being said throat and said interior cavity conveniently configured to insert the upper end of the holding stick with retaining means into the movable edible piece to complete the assembly of the dancing toy lollipop.

27 (New): The dancing toy lollipop defined in claim 25, wherein the interior cavity in the movable edible piece is provided with, but is not limited to, two outer opposite openings, one located on the top and the other on the bottom of said movable edible piece, being the upper outer opening of the cavity closed by an edible plug securely fixed by, but not limited to, an edible adhesive, having said plug diverse colors, flavors and shapes.

28 (New): The dancing toy lollipop defined in claim 24, wherein the movable edible piece is made of, but is not limited to, therapeutic substances.

29 (New): The dancing toy lollipop defined in claim 24 and 26, wherein the holding stick is, but is not limited to, a thin elongated stick with round cross section with its upper end provided with resilient retaining means properly configured and dimensioned to insert said upper end of said holding stick into the interior cavity of the movable edible piece and to retain said movable edible piece attached to said upper end of said holding stick with an articulated union, in such a manner that the movable edible piece is reliably attached to the holding stick, but moves freely in relation to said holding stick, when the opposite end of said holding stick, performing as the grip portion, is held by the user's hand and the dancing toy lollipop is moved by the user.

30 (New): The dancing toy lollipop defined in claim 29, wherein the holding stick has one grip portion ramified in at least two upper ends, each provided with retaining means, and to said upper ends are reliably attached with articulated unions movable edible pieces with assorted shapes, colors and flavors, and each of said movable edible pieces moves freely in relation to said upper ends of the holding stick in a sort of dancing like motion when the user moves the dancing toy lollipop.

31 (New): The dancing toy lollipop defined in claims 24 and 26, wherein the retaining means at the upper end of the holding stick consist in, but are not limited to, two sets, one above the other, of two resilient round protuberances, normally expanded, located at opposite sides of said upper end of the holding stick, with an axial open slot along the longitudinal axis of the core of said upper end, creating an air gap between the two opposite protuberances in both sets of protuberances, while the cross section of said upper end located between the upper and the lower sets of protuberances is a narrow section, hereafter referred to as neck, slightly smaller than the throat in the interior cavity of the movable edible pieces, such that when a movable edible piece is passed over the upper set of protuberances during the assembling of at least one movable edible piece onto said holding stick, said opposite protuberances collapse elastically inward to a size substantially equal to the throat in the interior cavity of the movable edible piece, and when the throat of said movable edible piece reaches the neck between both sets of protuberances, said upper set of protuberances expand elastically inside the interior cavity of said movable edible piece, recovering its normal size, which is substantially bigger than the throat but smaller than said interior cavity, while the lower set of protuberances remains below the throat of said movable edible piece, so that said movable edible piece is engaged at the neck between both sets of protuberances with an articulated union, in such a manner that said movable edible piece remains reliably attached to said holding stick, but moves freely swiveling, rotating and tilting in relation to the holding stick in a sort of dancing like motion when the user moves the dancing toy lollipop.

32 (New): The dancing toy lollipop defined in claim 24, wherein at least two movable edible pieces are stacked one above the other onto a holding stick which, in addition to the retaining means at its upper end, is provided with a lower stop that consists in, but is not limited to, a fixed thickened section shaped like a sphere located at an appropriate distance under the top of the upper end, and above the grip portion of said holding stick, in such a manner that said stop impedes that the movable edible pieces slide down and out of said holding stick, while the retaining means at the upper end of the holding stick prevent the attached movable edible pieces from going up and out of said holding stick, and thereof the movable pieces remain reliably attached to the holding stick with an articulated union, such that said movable edible pieces move freely in a sort of dancing like motion relative to the holding stick when the user moves the dancing toy lollipop.

33 (New): The dancing toy lollipop defined in claim 24, wherein the holding stick is, but is not limited to, a smooth round thin stick to which are attached at least two movable edible pieces which are stacked one above the other onto said holding stick, whose upper end is provided with a fixed stop located at the top of said upper end, consisting in, but not limited to, a fixed thickened section with spherical shape, to prevent the movable edible pieces from sliding up and out of said holding stick, while under the lowest movable edible piece is attached a removable sliding element that performs as sliding retaining means to prevent said stacked movable edible pieces from sliding down and out of the holding stick, being said removable sliding retaining element, in turn, provided with a hole substantially equal to the cross section of the holding stick, to insert said holding stick through said hole, and being said sliding retaining element conveniently locked onto the holding stick at the desired position by means of, but not limited to, a self locking resilient tight fit, such that the movable edible pieces remain reliably attached to the holding stick with an articulated union, in such a manner that said movable edible pieces move freely in a sort of dancing like motion relative to the holding stick, when the user moves the dancing toy lollipop.

34 (New): The dancing toy lollipop defined in claim 24, wherein the holding stick is made of any suitable material, such as non-toxic plastic, being said holding stick washable and reusable, such that the user reuses said holding stick to assemble manually the dancing toy lollipop replacing the consumed movable edible pieces with new ones and combining at will diverse movable edible pieces with a great variety of shapes, colors and flavors, onto a same holding stick.


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STATEMENT

Applicant: Rodolfo Fernandez  
Examiner: Bena Miller  
Art Unit: 3725

**NO NEW MATTER ADDED STATEMENT**

The undersigned applicant **Rodolfo Fernandez**, hereby declares that within the **Substitute Specification** submitted with the **response filed on January 21, 2006 to the Office Action Notice mailed on January 31, 2006, no new matter has been added** in relation to the original Specification submitted with the patent application.

Signed,  on **Feb. 21, 2006**